



Patent  
Attorney Docket: 728256-100256  
(formerly 06558/01006)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: ) **Group Art Unit:** 2875  
Inventor: Halasz, et al. ) **Examiner:** Ton, Anabel  
Serial No.: 10/015,284 )  
Filed: 12/10/2001 )  
For: Improved Flashlight )

**TERMINAL DISCLAIMER TO OBTAIN JUDICIALLY CREATED DOUBLE  
PATENTING REJECTION — 37 CFR § 1.321(c)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

MAG INSTRUMENT, INC., a corporation of the State of California having a principal place of business at 1635 South Sacramento, Ontario, California 91761, holding the entire right, title and interest to the above-identified application (U.S. Patent Application Serial No. 10/015,284) and U.S.

**CERTIFICATE OF MAILING**  
**(37 C.F.R. § 1.10)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on this date in an envelope as "Express Mail Post Office to Addressee" addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent No. 6,193,388, does hereby disclaim the terminal part of any patent granted on U.S. Patent Application Serial No. 10/015,284 which would extend beyond the expiration date of U.S. Patent No. 6,193,388, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on U.S. Patent Application Serial No. 10/015,284 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,193,388, this agreement to run with any patent granted on U.S. Patent Application Serial No. 10/015,284 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on U.S. Patent Application Serial No. 10/015,284 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,193,388, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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The undersigned is an attorney of record empowered to make this disclaimer and has reviewed copies of all the documents in the chain of title of the patent application and the patent identified above. Title is in the assignee identified above.

Respectfully submitted,  
JONES DAY

Dated: June 14, 2005

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PATENT TRADEMARK OFFICE